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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,190	03/01/2001	Andrew George Silver	U 013288-1	6267

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/786,190

Applicant(s)

Silver

Examiner

Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 1, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☒ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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### **Priority**

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on Sept. 8, 1998. No copy of the UK application as required by 35 U.S.C. 119(b) has been received from the International Office.

### **Drawings**

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the forward ski being attached to the fork members for pivoting about a longitudinal axis (claim 14, lines 5-6) and the rear ski being attached for movement about a longitudinal axis (claim 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### **Specification**

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

4. The Specification is objected to because it lacks the section headings now preferred for the framing of a U.S. Patent application:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).
- (e) Background of the Invention.
  - 1. Field of the Invention.
  - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.

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- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).

5. The disclosure is objected to because of the following informalities: on page 6, line 26, "if a user places their feet..." is informal; similarly on page 10, lines 25-26, "the user ... their leg" is informal.

Appropriate correction is required.

#### **Claim Objections**

6. Claim 21 is objected to because of the following informalities: in claim 21, line 4, "wide" should be --wider--. Appropriate correction is required.

#### **Claim Rejections - 35 USC § 112**

7. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Throughout the claims, the use of "snow-type bike" renders the claims unclear in that the particular attributes encompassed or not encompassed by "snow-type" are not clearly set forth. Applicant may desire to recite --snow bike--. In claim 1, lines 12-13, it is not clear whether or not the permitting means is a further element than the attachment of the frame to the rear ski as recited in lines 7-8; in claim 1, line 11, "the plane of said rear ski member" lacks a clear antecedent basis; in claims 3 and 4, the recitation of a 'normal recreation ski' is confusing in that the range of widths which characterize 'normal recreation skis' is of sufficient breadth to render the claim indefinite; further it is not clear whether applicant's invention requires specifics of recreation skis in order to clearly define its properties; in claim 8, lines 1-3, the recitation of the 'vicinity of the juxta position' of the various frame members forming a securing location is confusing.

This is an exemplary listing only. Each and every claim should be carefully reviewed and revised for clarity under 35 USC §112, second paragraph.

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**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 5-10, 12, 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dulski (US 2,883,205). Dulski teaches a snow bike having a frame (10, 11, 12, 13) supporting a seat (41) and a steering device (34, 15, 16, 17, etc.), the frame having a longitudinal axis and a constant width rear ski member (26) connected to the frame, the bike further including a front ski (33), in one embodiment having a width the same as the rear ski, the ski being connected to the steering device, the front and rear ski mounting locations being linearly arranged along the longitudinal axis, the rear ski having a pair of longitudinally separated mounts (25, 35) including a suspension (35, 36, 37) which features a resilient bushing element (38); a footrest (42) connected to the frame between the top of the rear ski and the seat and including a pair of laterally projecting foot supporting portions- one portion projecting on each respective frame side, the rear ski being supported on the frame at two longitudinally separate locations wherein flexing of the ski between those locations is not prohibited; the frame comprises first and second members (21, 22), the members connected to a headset (15, 17) which pivotally supports the handlebars (34) and at least one fork (18), a lower end of which is pivotally connected to the front ski by a transverse bolt-connection, the front ski being supported by a suspension (39, 40), the handlebars having a space between them which is capable of accommodating a lift element having a greater width at a rearward portion thereof; the first and second members also being joined also to a further frame member (e.g. 13) which is parallel to the rear ski, and which carries the footrest; the region of the joining of the first, second and third frame members being in the vicinity, as best understood, of the mounts for the rear ski (e.g., 25, 35), the frame members (21, 22) supporting the seat (at 23).

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**Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dulski. The reference of Dulski is discussed above (paragraph 9) and fails to teach a particular width to the ski elements, and an abrasive upper foot engaging surface on the footrest elements. To adjust a width or gliding member area for the purpose of adjusting the weight distribution of the member or adjusting its gliding characteristic is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to widen the ski portions to a dimension two or four times the width of a personal ski for the purpose of reducing the weight per unit area, in view of the added weight of the seat and frame of the vehicle. To provide an abrasive foot accommodating portion on a foot rest for the purpose of enhancing traction is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an abrasive surface to the top portions of the foot rest taught by Dulski for the purpose of improving traction and providing an improved gripping surface to the user.

12. Claims 11, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dulski in view of Frame (US 4,027,891). The reference of Dulski is discussed above and fails to teach the front fork as comprising a pair of fork members, and wherein the rear ski is further connected to the frame for motion about a longitudinal axis. Frame teaches a snow bike including a front ski supported by a front fork pair (24-- see figure 2, for example) and a rear ski mount including a pivotal connection (28, 34) which allows motion about a longitudinal axis. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a pair

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of forks as taught by Frame to connect the front ski and steering mechanism of Dulski for the purpose of providing a symmetrical support having a wider stance than a single fork, the wider stance providing a more stable connection. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rear ski of Dulski with a longitudinal pivot as taught by Frame, allowing side-to-side pivoting of the rear ski for the purpose of making the bike of Dulski more stable while turning, in that the rear ski may be parallel to the ground or snow surface while the bike is leaning.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dulski in view of Laycraft (US 4,097,055, cited by applicant). The reference of Dulski is discussed above and fails to teach the pivotal connection between the front ski and front fork as having a damping device. Laycraft teaches a snow bike having a front ski (23) connected to a front fork (20) with a pivotal connection (at 22) and a damper (24, 25, 26). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the connection between the front ski and front fork of Dulski with a damper as taught by Laycraft, for the purpose of reducing the vibrations transmitted to the user, facilitating a smoother ride.

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dulski in view of Müller et al. (US 4,305,603). The reference of Dulski is discussed above and fails to teach the rear ski as having a rear portion which is wider than the remainder of the ski, which has a substantially constant width. Müller et al. teach a gliding board having a forward section with a substantially constant width and a wider rear section (6). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rear ski of the bike of Dulski with a widened section as taught by Müller et al. for the purpose of adjusting the gliding characteristics of the bike.

### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dworak (US 3,014,731), Doran-Webb (US 3,583,721), Porsche et al. (US

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3,771,807), Crnogorac (US 4,014,283), Turner (US 4,101,142), Foster (US 4,353,563), and Den Hartog (US 5,000,466) teach ski and ski bike structures of pertinence.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents  
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

The Office has also established electronic fax servers for Technology Center 3600 as follows:

703-872-9326 (Official communications)  
703-872-9327 (Official After Final communications)  
703-872-9325 (Customer Service)

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

F. Vanaman  
September 26, 2002

  
9/26/02